IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.7478 OF 2005

Abdullah Hanif Shaikh Applicant

versus

The State of Maharashtra Respondent

Mr.Za-Ul-Mustafa for applicant.

Mr.K.V.Saste, APP for respondent.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 6th December 2005

PC :

1. Heard learned counsel for applicant and Shri Saste - APP for respondents. Perused the statements made in the bail application filed before the Sessions Court wherein in para 3(iii) to (viii) self same contentions have been raised about identity of the person arrayed as accused and the name of the applicant before me. It is contended that the name of the applicant is Hanif Abdul Hanif Shaikh whereas in the statement the name is taken as "Raju". The applicant is a Muslim and naturally the name "Raju" is not found in the said community/religion. The witnesses

have similarly said that one Raju was responsible for the assault.

2. In my view, the applicant himself has disclosed his name as Raju @ Hanif Abdul Hanif Shaikh. Therefore, it is not possible for me to accept this plea about identify of the applicant before me and the description of the accused set out in the statement of witnesses. All such pleas are considered by the Sessions Judge. He has rightly come to the conclusion that prima facie the applicant was involved in the act of assaulting the deceased angered by the fact that he had performed marriage with the sister of accused nos.1 and 2 and daughter of accused no.3. The offence is serious and the punishment is either death or imprisonment for life. Considering the pleas raised by the applicant and the materials in support, this is not a fit case for enlargement on bail. Rejected.

(S.C.DHARMADHIKARI, J.)